

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JEREMY LAYMAN and MORGAN
LAYMAN,

Plaintiffs,

V.

GREG TAYLOR, et al.,

Defendants.

[illegible]

Case No. 6:19-cv-45-JDK-JDL

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE


Plaintiffs Jeremy and Morgan Laymance, proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for disposition.

On December 22, 2020, Judge Love issued a Report and Recommendation in this case recommending that: 1) Defendant Foster's Motion for Summary Judgment (Docket No. 63) be granted as to Plaintiffs' remaining claims; 2) Plaintiffs' Motion for Summary Judgment (Docket No. 52) be denied; and 3) Plaintiffs' remaining claims be dismissed with prejudice.. Docket No. 72. A copy of the Report was sent to each Plaintiff and U.S. Postal Service records indicate the Reports were delivered on December 28, 2020. Docket Nos. 73, 74. Plaintiffs have not filed objections to the Report.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, neither Plaintiff filed objections in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 72) as the findings of this Court. For the reasons stated in the Report, the Court **DENIES** Plaintiffs’ Motion for Summary Judgment (Docket No. 52). Similarly, the Court **GRANTS** Defendant Foster’s Motion for Summary Judgment (Docket No. 63) and hereby **DISMISSES WITH PREJUDICE** all of Plaintiffs’ remaining claims in this matter.

So **ORDERED** and **SIGNED** this **1st** day of **February, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE